

In re Patent Application of:  
FRISCO ET AL.  
Serial No. 10/716,987  
Filed: November 19, 2003  
Confirmation No. 7576

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#### REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Independent Claims 1 and 22 have been amended to more clearly define the present invention over the cited prior art references.

Independent Claims 1 and 22 have been amended to include the subject matter from their respective dependent Claims 4 and 24, which have been cancelled. For consistency, dependent Claims 3 and 25 have also been cancelled. The claim amendments and arguments supporting patentability of the claims are provided below.

#### I. The Amended Claims

The present invention, as recited in amended independent Claim 1, for example, is directed to an aircraft in-flight entertainment system comprising a satellite television (TV) receiver, and at least one passenger video display connected to the satellite TV receiver. A processor is connected to the satellite TV receiver for determining a component malfunction condition and for generating responsive thereto a substitute image on the at least one passenger video display rather than permit display of an undesired image which would otherwise be produced.

The processor advantageously determines a component malfunction condition, and generates a substitute image in response thereto. Without the generated substitute image, the undesired image could be a degraded program image or a default

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text message image that may be disconcerting to the passenger. Consequently, the substitute image could be a text message that would tend to be helpful to the passenger in understanding that a loss of programming service has occurred, but without raising unnecessary concern for the proper operation of the aircraft to the passenger.

Independent Claim 13 is similar to amended independent Claim 1, but recites that the processor determines a weak received signal strength condition instead of a component malfunction condition.

Independent method Claim 22 has been amended to recite that a weak received signal strength condition is determined, and is similar to independent device Claim 13.

## II. The Claims Are Patentable

The Examiner rejected independent Claims 1 and 22 over the Sklar et al. patent, and independent Claim 13 over the Sklar et al. patent in view of the Gangitano patent. In view of the amendments to Claims 1 and 22, all of the claims will be discussed based on a rejection of Sklar et al. in view of Gangitano.

The Examiner cited Sklar et al. as disclosing in FIGS. 1 and 2 an aircraft in-flight entertainment system 50 comprising a satellite television (TV) receiver 42, at least one passenger video display 56 connected to the satellite TV receiver, and a processor 44 connected to the satellite TV receiver. The Examiner has taken the position that the processor 44 is used to determine an undesired condition and for generating responsive

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thereto a substitute image on the at least one passenger video display 56 rather than permit display of an undesired image which would otherwise be produced.

Sklar et al. discloses that the processor 44 (i.e., region control unit) instructs the receiver unit 42 (i.e., satellite TV receiver) to switch to a different program when the aircraft is soon going to leave the coverage area 26 of the first satellite 24. Position, time and other related data is used to determine if an available program will finish before the aircraft leaves the current coverage area. The processor 44 may cause the passenger video display 56 to generate a graphic overlay message explaining to the passenger why that program is no longer available, and suggesting that the passenger try another channel. Such an overlay may state "Because Your Aircraft Will Be Leaving The Coverage Area Of DIRECTV-USA Within The Next 15 Minutes, `Butch Cassidy & The Sundance Kid` Is Not Currently Available. Please Select Another Program" (column 11, lines 25-33).

As correctly noted by the Examiner, Sklar et al. fails to disclose that the undesired condition is a component malfunction condition or a weak received signal strength condition that is determined by the processor 44. The Examiner cited Gangitano as disclosing in FIGS. 4 and 5 a receiver 14 receiving a signal from a satellite, and determining for display 20 the signal strength (via signal strength detector 22) of the received signal. Gangitano further discloses that if the receiver does not detect a signal, then a text message may be

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displayed indicating that there may be a component malfunction.

The Examiner has taken the position that it would have been obvious to modify the Sklar et al. in view of Gangitano for the benefit of providing a more user friendly notification of an indication of why a video image has suddenly frozen on the screen. The Applicants submit that there is no motivation to selectively combine the references as suggested by the Examiner to produce the claimed invention.

Sklar et al. is directed to an aircraft entertainment system that is capable of receiving broadcast entertainment signals from a satellite-based distribution system. Sklar et al. is primarily concerned with determining whether or not a program on a selected channel will be completed before the aircraft transitions from the current coverage area of a first satellite to the coverage area of a second satellite. Reference is directed to column 11, lines 9-19 of Sklar et al., which provides:

"From block 68, the process moves to block 70 where each program is evaluated based on the program guide data, the positional data (including speed and direction of flight data) and time data. More particularly, block 70 determines for each available program whether it will finish before the aircraft 34 leaves the current coverage area. From block 70, the process moves to block 72 where certain limitations are placed on program availability based on the evaluation made in block 70. In particular, programs that will not be able to finish before the aircraft 34 leaves the coverage area (26 or 30) are made

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unavailable." (Emphasis added).

As highlighted above, Sklar et al. has no use for determining a component malfunction condition or a weak received signal strength condition. Such a determination has no bearing on the evaluation of whether or not a program will be able to finish if selected by a passenger on the aircraft.

Gangitano is directed to an apparatus for displaying a received signal strength of a signal received at an antenna. The received signal is provided by a satellite, and the antenna is coupled to a terrestrial-based receiver. Since the terrestrial-based receiver is typically located in a user's house, the user does not need the benefit of being provided with a more user friendly notification of an indication of why a video image has suddenly frozen on the screen. The display of a "signal strength display" or the display of a "check antenna" message as illustrated in FIGS. 6a-6c are sufficient for letting the user troubleshoot a blurred display image.

Moreover, it does not make any sense to provide the user with a more "user friendly" notification in Gangitano since the user is already on the ground and really has no concerns other than watching the selected program. In sharp contrast, providing a user friendly notification in an aircraft tends to be helpful to the passenger in understanding that a loss of programming service has occurred, but without raising unnecessary concern for the proper operation of the aircraft.

Accordingly, it is submitted that amended independent

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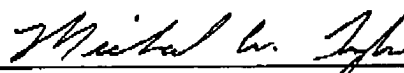
Claim 1 is patentable over the Sklar et al. patent in view of the Gangitano patent. Independent Claim 13 and amended independent Claim 22 are similar to amended independent Claim 1. Therefore, it is submitted that these claims are also patentable over the Sklar et al. patent in view of the Gangitano patent.

In view of the patentability of amended independent Claims 1 and 22 and independent Claim 13, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

### III. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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